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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,926	01/29/2002	Wayne Cannon	CISCP709	7542
26541	7590	03/22/2005	EXAMINER	
RITTER, LANG & KAPLAN 12930 SARATOGA AE. SUITE D1 SARATOGA, CA 95070			BLAIR, DOUGLAS B	
			ART UNIT	PAPER NUMBER
			2142	
DATE MAILED: 03/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/060,926	CANNON ET AL.	
	Examiner	Art Unit	
	Douglas B Blair	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 12 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claims 12 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: it is unclear how the type and software version of a module can be the same as claimed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 5-7, 9-10, 13-15, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 5,961,595 to Kawagoe et al..

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6. As to claim 5, Kawagoe teaches a system for managing network elements in a network, comprising: a network element independent module that includes functions for managing different types of network elements (col. 6, lines 9-61); a network element dependent module that includes functions for managing a specific type of network element (col. 6, lines 9-61); and a network management application that calls the functions of the network element independent and dependent modules to manage a plurality of network elements in a network (col. 6, lines 9-61).
7. As to claim 6, Kawagoe teaches the system of claim 5, wherein the functions of the network element dependent module are executable at run time through dynamic class loading (col. 6, lines 9-61).
8. As to claim 7, Kawagoe teaches the system of claim 5, wherein the network element dependent module includes specifications of the network element (col. 6, lines 9-61).
9. As to claims 1-3, they feature the same limitations as claims 5-7 and are rejected for the same reasons as claims 5-7.
10. As to claim 14, Kawagoe teaches a system for managing network elements in a network, comprising: a means for sending a request to a network element for a network element dependent module that includes functions for managing the specific type of the network element (col. 6, lines 9-61); a means for executing the network element dependent module to create an interface to the network element (col. 6, lines 9-61); and a means for utilizing the interface to manage the network element (col. 6, lines 9-61).
11. As to claim 15, Kawagoe teaches the system of claim 14, further comprising sending a request to the network element for the specific type of the network element (col. 6, lines 9-61).

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12. As to claim 18, Kawagoe teaches the system of claim 14, further comprising receiving an object change message that there is a new network element on the network (col. 6, lines 9-61).

13. As to claims 9-10 and 13, they feature the same limitations as claims 14-15 and 18 and are rejected for the same reasons as claims 14-15 and 18.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 4, 8, 11-12, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,961,595 to Kawagoe et al. in view of U.S. Patent Number 6,473,783 to Goshey et al..

16. As to claim 8, Kawagoe teaches the system of claim 7; however Kawagoe does not explicitly teach a graphical representation.

Goshey teaches a graphical representation of a network element (col. 8, lines 6-27).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Kawagoe regarding the management of network elements with the teachings of Goshey regarding the use of graphical representations for representing network elements because a graphical representation provides a user friendly interface for network element management (Goshey, col. 8, lines 6-27).

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17. As to claims 16-17, Kawagoe teaches the system of claim 14; however Kawagoe does not explicitly teach requesting a software version.

Goshey teaches requesting a software version of a network element (col. 8, lines 6-27, Figure 3C).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Kawagoe regarding the management of network elements with the teachings of Goshey regarding requesting a software version of a network element because such information may be desired by a user (Goshey, col. 8, lines 6-27).

18. As to claims 4 and 11-12, they are rejected for the same reasons as claims 8 and 16-17.

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B Blair whose telephone number is 571-272-3893. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

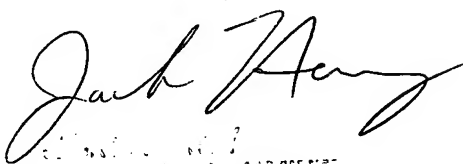
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 571-272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair

DBB



Jack Henry